

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

PERRY CLINE, on behalf of himself and §
all others similarly situated, §
§ Case No: 6:17-cv-313-JAG
Plaintiffs, §
v. §
§
SUNOCO, INC. (R&M); and §
SUNOCO PARTNERS §
MARKETING & TERMINALS, L.P., §
§
Defendants. §

NOTICE OF APPEAL
OF SUNOCO, INC. (R&M) AND
SUNOCO PARTNERS MARKETING & TERMINALS, L.P.

Defendants Sunoco, Inc. (R&M) (now Sunoco (R&M), LLC) and Sunoco Partners Marketing & Terminals, L.P. (collectively, “Defendants”) hereby file this Notice of Appeal, to the United States Court of Appeals for the Tenth Circuit, from the Court’s Opinion (Dkt. 349) and Order (Dkt. 350) issued December 9, 2020.¹ For the avoidance of doubt, Defendants appeal from all rulings adverse to Defendants in this case, including, without limitation, the Court’s Opinion (Dkt. 349) and Order (Dkt. 350) issued December 9, 2020; the Court’s plan of allocation; the Opinion and Order granting class certification entered October 3, 2019 (Dkt. 126 & 127); the Opinion and Order denying Defendants’ motion to exclude Barbara Ley entered October 3, 2019 (Dkt. 124 & 125); the Memorandum Order denying Defendants’ motion to clarify the class

¹ Sunoco previously filed a Notice of Appeal, Amended Notice of Appeal, and Second Amended Notice of Appeal in this case. Dkt. 306, 309, 340. The Tenth Circuit, in No. 20-7064, *sua sponte* requested briefing on whether there is a final, appealable judgment. That Court has issued no ruling following that briefing.

definition entered November 26, 2019 (Dkt. 186); the Opinion and Order granting partial summary judgment entered December 10, 2019 (Dkt. 231 & 232); the Opinion and Order entered August 17, 2020 (Dkt. 298 & 299); the August 27, 2020 ruling in which the Court overruled Defendants' objections to the award of additional damages; the August 27, 2020 ruling in which the Court stated that it would enter judgment in favor of Plaintiffs; the "Judgment Order" entered August 27, 2020 (Dkt. 308); and any and all other rulings adverse to Defendants in this case.

If an Amended Notice of Appeal, rather than Notice of Appeal, is required, then Sunoco hereby also files this Notice of Appeal as an Amended Notice of Appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on today's date, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system that will send notice of electronic filing to all counsel of record, including the following:

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